

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)	
)	
or Suspension of the Educator)	ORDER OF SUSPENSION
)	(BREACH OF CONTRACT)
Certificate of Michael W. Baker)	
)	
Certificate # 190266)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on April 13, 2004. On February 27, 2004, the State Department of Education (Department) sent Mr. Michael W. Baker a notice of his right to a due process hearing regarding the possible suspension of his South Carolina educator certificate (certificate) by certified mail, return receipt requested delivery restricted to addressee. Mr. Baker, in lieu of a hearing, submitted a letter to the State Board of Education (State Board) since he now resides in Texas. After considering the evidence presented by the Department, the State Board voted to suspend Mr. Baker's certificate from January 26, 2004, through June 25, 2004.

FINDINGS OF FACT

Mr. Baker holds a valid certificate, with over thirty-four years of teaching experience. He was under contract with Hampton County School District One (District) for the 2003-2004 school year, as a math teacher at Wade Hampton High School. During November 2003, Mr. Baker informed District Superintendent Terry Pruitt that he would have to leave the District before the end of the school year to assist with the care of his grandchild living in Texas. Mr. Baker informed Dr. Pruitt that his son is in the Army and his daughter-in-law is in the Army Reserves and both of them were likely to be deployed to duty in Iraq or Kuwait sometime in March or April 2004. In August 2003, Mr. Baker agreed through the Army Family Care Program to be the guardian of his grandson while his parents were deployed. The child was born in November

2003. On December 4, 2003, Mr. Baker wrote Dr. Pruitt requesting that the District release him from his contract, effective January 15, 2004, apparently to become better acquainted with the child and his surroundings before his parents were deployed.

On January 26, 2004, the District Board of Trustees voted to file a complaint with the State Board seeking the suspension of Mr. Baker's certificate for breach of contract. On March 16, 2004, Dr. Pruitt wrote the Department repeating the Board's request because he was still unable to secure a suitable replacement for his position.

CONCLUSIONS OF LAW

The State Board may suspend the certificate of any person for breach of contract. S.C. Code Ann. § 59-25-530 (1990). Unprofessional conduct includes breach of contract. S.C. Code Ann. § 59-25-160 (1990); 24 S.C. Code Regs. 43-58 (1992). The State Board finds that there is conclusive evidence supporting its decision to suspend Mr. Baker's certificate # 190266 from January 26, 2004, through June 25, 2004, on the ground of unprofessional conduct due to breach of contract. At the end of the suspension period if he wants his certificate reinstated, Mr. Baker may make a written request for reinstatement to the Office of Teacher Certification of the Department.

South Carolina State Board of Education

By: /S/ Mary E. Jones

Dr. Mary E. Jones

Chair

Columbia, South Carolina
April 13, 2004